

**UNITED STATES DISTRICT COURT**  
for the  
Middle District of Tennessee

|  |   |                     |
|--|---|---------------------|
| In the Matter of the Seizure of                | ) |                     |
| (Briefly describe the property to be seized)   | ) |                     |
| Funds held in Planters Bank small business     | ) | Case No. 20-mj-2547 |
| checking account number 1003192801 in the name | ) |                     |
| of Gateway Medical Associates, P.C.            | ) |                     |

**APPLICATION FOR A WARRANT  
TO SEIZE PROPERTY SUBJECT TO FORFEITURE**

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the Middle District of Tennessee is subject to forfeiture to the United States of America under 18/21 U.S.C. § 981/853, 881 (describe the property):  
Funds held in Planters Bank small business checking account number 1003192801 in the name of Gateway Medical Associates, P.C.

The application is based on these facts:  
See accompanying affidavit.

☒ Continued on the attached sheet.

/s/Anthony Janutolo

*Applicant's signature*

DEA TFO Anthony Janutolo

*Printed name and title*

Sworn to before me and signed in my presence.

Date: October 9, 2020

  
*Judge's signature*

City and state: Nashville, Tennessee

Hon. Jeffery S. Frensley, U.S. Magistrate Judge

*Printed name and title*

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**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

IN THE MATTER OF THE SEIZURE  
OF CERTAIN FUNDS HELD IN  
ACCOUNTS ASSOCIATED WITH  
GATEWAY MEDICAL ASSOCIATES,  
P.C., OR DR. JAMES MACCARONE

Case No. 20-mj-2547

**SUBMITTED UNDER SEAL**

**AFFIDAVIT IN SUPPORT OF APPLICATIONS  
FOR SEIZURE WARRANTS**

I, Task Force Officer Anthony Janutolo of the Drug Enforcement Agency (“DEA”),  
being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I have been a DEA Task Force Officer since March 2019. I am employed by the Kentucky Office of the Attorney General and have been so employed for approximately 5 ½ years. During this time, I have been assigned to the Appalachian High Intensity Drug Trafficking Area (“AHIDTA”) Diversion Task Force. My duties since joining the Task Force have consisted, in part, of investigating illegal drug trafficking organizations and diversion of controlled substance offenses. Through my training and duties in this capacity, I have participated and assisted in numerous state and federal investigations involving multi-state drug trafficking organizations conspiring with providers and pharmacists in the distribution of controlled substances. During these investigations, the Affiant has acted in an undercover capacity and purchased narcotics from these organizations. The Affiant has participated in the debriefing of witnesses, cooperating sources of information, and

defendants regarding the modus operandi of narcotics traffickers and the diversion of controlled substances.

2. I have been a law enforcement officer since June of 1995. Prior to being employed by the Kentucky Attorney General and assigned to the Drug Enforcement Administration, I retired from the Kentucky State Police. During this time, I served as a uniformed Trooper and a narcotics detective assigned to the Drug Enforcement and Special Investigations Unit. In addition to the Kentucky State Police basic law enforcement training academy, I completed training in drug conspiracy investigations, money laundering, financial investigations and undercover operations.

3. As a federal Task Force Officer, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

#### **BACKGROUND AND REQUESTED WARRANTS**

4. I have been participating in the investigation of Gateway Medical Associates, P.C. ("GMA"), located at 751 Chesapeake Lane, Suite 101, Clarksville, Tennessee 37040, and individuals associated with GMA, including Dr. James Maccarone and others, for the unlawful distribution of controlled substances, and conspiracy to do the same, in violation of 21 U.S.C. §§ 841 and 846.

5. This affidavit is submitted in support of applications for warrants authorizing the seizure of all funds held in for the following financial accounts:

- a. Planters Bank small business checking account number 1003192801 in the name of Gateway Medical Associates, P.C. utilizing address PO Box 3540.

Clarksville, TN 37043;

b. Planters Bank free business checking account number 1000007146 in the name of James J Maccarone, dba JKM Properties located at 751 Chesapeake LN, Clarksville, TN 37040; and

c. Regions Bank LifeGreen Preferred checking account number 0149463381 in the name of James J Maccarone located at 137 Clarendon Trce, Clarksville, TN 37043.

6. Based on the information developed during this investigation and as set forth below in this affidavit, I have probable cause to believe that the property listed above constitutes proceeds obtained, directly or indirectly, as a result of felony violations of 21 U.S.C. §§ 841 and 846, and is therefore, also forfeitable to the United States and subject to seizure pursuant to 21 U.S.C. §§ 853, 881(a)(6), 881(b), and 18 U.S.C. §§ 981(a)(1)(C), 981(b).

#### **PROBABLE CAUSE**

7. In addition to the accompanying application, the United States is simultaneously submitting an application for a warrant to search GMA's physical offices in Clarksville, Tennessee. I hereby incorporate the statement of probable cause set forth in the affidavit in support of that application. I respectfully submit that the facts set forth in that affidavit supply probable cause to believe individuals associated with GMA, including Dr. James Maccarone, have committed violations of 21 U.S.C. §§ 841 and 846. For the sake of efficiency, I have not repeated those facts here.

8. Investigators have obtained documents from Planters Bank in the course of this investigation. According to those documents, GMA opened small business checking account,

assigned account number 1003192801, on October 28, 2011. The sole signatory on the account is James Maccarone. In the course of this investigation, investigators determined that GMA uses a merchant account, which contains customer's payments to GMA received from sources such as debit cards, credit cards, and pre-paid cards. An analysis of GMA's Planter's Bank account 1003192801 shows that from September 2017 through July 2020 GMA received deposits totaling over \$4.6 million. Of that \$4.6 million, over \$4.3 million was deposited through the GMA's merchant account. These funds represent the customer payments collected as part of their scheme to distribute and dispense Schedule II controlled substances outside the usual course of professional practice and not for a legitimate medical purpose. The remaining sum (which is less than \$300,000) consists of deposits from health insurers, patient copays, and other miscellaneous business-related deposits. The balance in this account as of September 29, 2020, is \$162,378.

9. In addition, Planters Bank provided documents relating to free business checking account number 1000007146 in the name of James J Maccarone, dba JKM Properties.<sup>1</sup> According to the records, Dr. Maccarone opened the account on March 9, 2012 utilizing the address of 751 Chesapeake Lane, Clarksville, Tennessee 37040, which is the address of GMA. An analysis of this account shows from November 2017 through July 2020 JKM properties received deposits totaling over \$458,000.<sup>2</sup> Of that amount, \$282,000 was received from GMA for monthly rental

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<sup>1</sup> Public records available from the Tennessee Secretary of State indicate that JKM Properties is associated with Dr. Maccarone and uses the same registered address as GMA.

<sup>2</sup> The remainder of the deposits in the account come from Quest Diagnostics, which appears to lease space in the same building as GMA, and other unidentified sources. There is probable cause to believe the funds currently in the account are tainted funds from violations of 21 U.S.C. §§ 841 and 846 at GMA. For instance, since January 2020, approximately \$71,000 of the deposits into the account came from GMA and only

payments. These funds represent drug proceeds traceable to property that was involved in a financial transaction in order to facilitate drug trafficking and funds that are directly traceable to drug trafficking. The balance in this account as of September 29, 2020, is \$23,131.

10. Pursuant to a Grand Jury subpoena, Regions Bank provided documents relating to the investigation. According to the documents, James J. Maccarone opened a “LifeGreen Preferred Checking” account, assigned number 0149463381, on February 25, 2011. An analysis of this account shows from November 2016 through July 2020 deposits totaling over \$1.5 million. Of that amount, over \$1.3 million was received from GMA. The remainder consists of (1) approximately \$144,900 in cash deposits, which investigators also believe is income associated with GMA, given that investigators have not seen any indication of Maccarone receiving income from any other source during this timeframe; and (2) approximately \$37,485 in interest payments and miscellaneous deposits. There is probable cause to believe the funds currently in the account are tainted funds from violations of 21 U.S.C. §§ 841 and 846 at GMA given that the overwhelming majority of deposits to this account appear to be derived from GMA. Funds received from GMA represent drug proceeds traceable to property that was involved in a financial transaction in order to facilitate drug trafficking and funds that are directly traceable to drug trafficking. The balance in this account as of October 2, 2020, is \$24,097.

### **Conclusion**

11. Based on the above, I have probable cause to believe that

a. Planters Bank small business checking account number 1003192801 in the name of Gateway Medical Associates, P.C. utilizing address PO Box 3540,

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approximately \$24,000 came from Quest Diagnostics.

Clarksville, TN 37043;

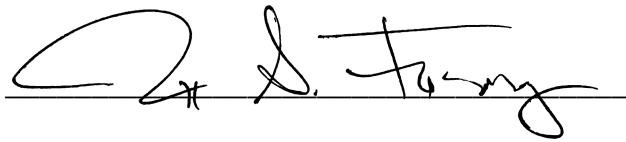
b. Planters Bank free business checking account number 1000007146 in the name of James J Maccarone, dba JKM Properties located at 751 Chesapeake LN, Clarksville, TN 37040; and

c. Regions Bank LifeGreen Preferred checking account number 0149463381 in the name of James J Maccarone located at 137 Clarendon Trce, Clarksville, TN 37043;

constitutes property derived from the proceeds obtained, directly or indirectly, as a result of felony violations of 21 U.S.C. §§ 841 and 846, and is therefore forfeitable to the United States pursuant to 21 U.S.C. §§ 853, 881(a)(6) 18 U.S.C. §§ 981(a)(1)(C), and 28 U.S.C. § 2461 and subject to seizure pursuant to 21 U.S.C. §§ 853(f) and 881(b) and 18 U.S.C. § 981(b). In addition, for purposes of a criminal seizure warrant, there is a substantial risk that the accounts identified herein will be withdrawn, moved, dissipated, or otherwise become unavailable for forfeiture unless immediate steps are taken to secure them. Therefore, I submit that a protective order under 21 U.S.C. § 853(e) would be insufficient to assure that the funds in the accounts will remain available for forfeiture.

/s/Anthony Janutolo  
Anthony Janutolo  
Task Force Officer  
Drug Enforcement Administration

Subscribed and sworn to Per Rule 4.1(b)(2)(A) this 9th day of October, 2020.

A handwritten signature in black ink, appearing to read "D. T. King", is written over a horizontal line.

United States Magistrate Judge